

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MALRY TARDD and OTTO WHITE,

Plaintiffs,  
-against-

BROOKHAVEN NATIONAL LABORATORY,  
et al.,

Defendants.

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**ORDER**  
CV 04-3262 (ADS)(ARL)

**LINDSAY, Magistrate Judge:**

Before the court is the defendants' letter application dated January 25, 2006, seeking an additional two hours to depose the plaintiff Otto White ("White"). The plaintiffs' oppose this application. During his deposition, White disclosed that he prepared contemporaneous handwritten notes concerning the subject matter of this lawsuit. The defendants' counsel demanded production of the notes reserving the right to further depose the plaintiff after reviewing the documents. Plaintiffs' counsel agreed to this request. Plaintiffs' counsel subsequently failed to produce any additional handwritten notes and instead identified documents which had been previously produced. The documents identified by plaintiffs' counsel, however, do not correspond in time to the documents described by White. Given this apparent inconsistency, defendants' request to conduct an additional deposition with respect to these notes is granted.

Dated: Central Islip, New York  
January 31, 2006

**SO ORDERED:**

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/s/  
ARLENE R. LINDSAY  
United States Magistrate Judge